

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Andre Woodard,

File No. 21-cv-483 (ECT/TNL)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Vicki Genson, Warden,

Respondent.

Magistrate Judge Tony N. Leung issued a Report and Recommendation on April 9, 2021. ECF No. 5. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See Fed. R. Civ. P. 72(b); Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4 of the Rules Governing Section 2254 Proceedings in the United States District Courts; and
3. No certificate of appealability shall be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 3, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court